

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re: Thomas G. Davidson

Case No. 12-32765-KRH
Chapter 13

U.S. Bank Trust, N.A., as Trustee for
VOLT NPLIX Asset Holdings Trust, by
Caliber Home Loans, Inc., f/k/a Vericrest
Financial, Inc., Movant

vs.

Thomas G. Davidson, Debtor

Carl M. Bates, Trustee
Respondent(s)

**MOTION FOR RELIEF FROM AUTOMATIC STAY
Real Property at Route 4 Box 740, Dillwyn, Virginia 23936**

Comes now U.S. Bank Trust, N.A., as Trustee for VOLT NPLIX Asset Holdings Trust, by Caliber Home Loans, Inc., f/k/a Vericrest Financial, Inc., Movant herein, by Antoinette N. Moore, Esq., its attorney and respectfully represents:

1. This Motion is filed pursuant to 11 U.S.C. Sec. 362 d through f, and 28 U.S.C. Section 1334 and Section 157, giving this Court jurisdiction to grant relief from the Automatic Stay for cause and/or to prevent irreparable damage to the interest of a secured creditor in the property of the Debtor.

2. The Movant is the holder of a Note secured by a Deed of Trust dated December 13, 2004, and recorded among the land records of County of Buckingham, Virginia, and which encumbers the property of the Debtor at Route 4 Box 740, Dillwyn, Virginia 23936.

ALL that certain lot, piece or parcel of land with improvements thereon and appurtenances thereunto belonging, lying and being in the County of Buckingham, Virginia, and designated as Parcel 1, containing 2.000 Acres, more or less, on the Plat of Survey dated August 23, 1996, revised September 26, 1996, prepared by Edmund C. Burruss, Burruss Land & Survey Company, entitled "Plat of Two Parcels of Land in the Marshall District of Buckingham County, Virginia," recorded October 15, 1996 in the Clerk's Office, Circuit Court, County of Buckingham, Virginia in Deed Book 214, page 209, to which reference is hereby made for a more particular description of the property herein conveyed.

Being the same real estate conveyed to the GRANTOR by Deed recorded simultaneously herewith.

3. The current principal balance is \$133,164.28, plus interest, late charges and foreclosure fees and costs. Additionally, pursuant to the Debtor's schedules, the property is encumbered by a Second Lien securing Suntrust Mortgage in the amount of \$7,184.00.

4. The Debtor has failed to pay the post-petition payments for the months of June 2012 to January 2014, so that the amount now due is \$15,131.40, which includes current bankruptcy legal fees and costs of \$1,026.00. The current monthly payment is \$705.27.

5. The Movant contends therefore that the stay should be lifted for cause and that it is inadequately protected by the Debtor's failure to make the post-petition payments.

WHEREFORE, the Movant prays this Honorable Court to issue an Order

1. Lifting the Automatic Stay as to the Debtor's property at Route 4 Box 740, Dillwyn, Virginia 23936, so that the Movant can proceed with the foreclosure of its Deed of Trust; or alternatively

2. For such other and further relief as the Court deems appropriate.

NOTICE

Please take notice that the defendant herein is required to file an answer to this Motion with the Clerk, U.S. Bankruptcy Court, U.S. Bankruptcy Court, 701 East Broad Street, Suite 4000, Richmond, VA 23219, within **fourteen (14)** days of the date of service hereof.

If you do not file a written response by the deadline indicated, the law provides that the stay protecting you from further legal action against you by the Creditor will automatically terminate.

/s/ Antoinette N. Moore, Esq. (ame 1/20/14)

Attorney for Movant

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, first class, postage prepaid, on January 24, 2014, to Thomas G. Davidson at 6918 Velvet Antler Drive, Midlothian, Virginia 23112. Copies were sent electronically via the CM/ECF system to Yvonne Cochran, Esq., Attorney for Debtor and Carl M. Bates, Trustee, Trustee.

/s/ Antoinette N. Moore, Esq.